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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/075,873
Filing Date	February 13, 2002
First Named Inventor	Reinhard Noack
Art Unit	16661
Examiner Name	Howard J. Locker
Attorney Docket No.	ANI-100US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed un-entered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed un-entered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☒ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
 - ☐ Other _____.
 - ☐ Enclosed
 - ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____.
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 month; fee under 37 CFR 1.17(i) required)
 - ☐ Other _____.
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☒ The Director is hereby authorized to charge any underpayment, or credit any overpayments, to Deposit Account No. 18-0350.
 - ☐ RCE fee required under 37 CFR 1.17(e).
 - ☐ Extension of Time fee (37 CFR 1.136 and 1.17).
 - ☐ Other _____.
 - ☒ Check in the amount of \$ 385 is enclosed.
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce M. Monroe	Registration No. (Attorney/Agent)	33,602
Signature	<i>Bruce M. Monroe</i>	Date	July 19, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Janet E. Abbott	Date	July 19, 2004
Signature	<i>Janet E. Abbott</i>		

This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office Action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office Action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office Action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office Action, the submission can be an Information Disclosure Statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:**Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office Action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office Action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.

Appln. No.: 10/075,873
Amendment Dated July 19, 2004
Reply to Notice of Allowance of November 13, 2004

ANI-100US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/075,873
Applicant: Reinhard Noack
Filed: Feb. 13, 2002
Title: SHRUB ROSE PLANT NAMED 'ANGELSIE' (As amended)
TC/A.U.: 1661
Examiner: Howard J. Locker
Confirmation No.: 9425
Docket No.: ANI-100US

AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Allowance dated November 13, 2003, please amend the above-identified application as follows:

- ☒ **Amendments to the Specification** begin on page **2** of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of claims which begins on page of this paper.
- ☐ **Amendments to the Drawings** begin on page of this paper and include an attached replacement sheet(s).
- ☐ **Amendments to the Abstract** are on page of this paper. A clean version of the Abstract is on page 5 of this paper.
- ☐ **Remarks/Arguments** begin on page of this paper.

Appln. No.: 10/075,873
Amendment Dated July 19, 2004
Reply to Notice of Allowance of November 13, 2004

ANI-100US

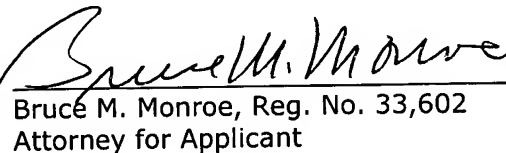
Remarks/Arguments:

This is a Request for Continued Examination under 37 CFR 1.114. This RCE is being filed in response to a Notice of Allowance to allow the Patent Office to consider the unentered amendment filed January 20, 2004. Entry of the Amendment filed January 20, 2004, is respectfully requested. A copy of the Amendment is enclosed for the Examiner's convenience.

Attention is called to the Change of Correspondence Address facsimile transmitted to the Patent Office on July 9, 2004.

The Examiner is invited to phone applicant's attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

Respectfully submitted,

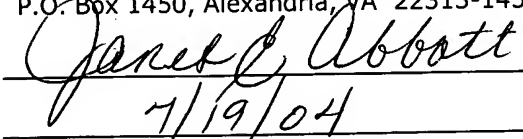

Bruce M. Monroe, Reg. No. 33,602
Attorney for Applicant

Dated: July 19, 2004

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Wilmington, DE 19899
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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:


7/19/04

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Copy

Appln. No.: 10/075,873
Amendment Dated January 20, 2004
Reply to Office Action of May 15, 2003

ANI-100US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/075,873
Applicant: Reinhard Noack
Filed: Feb. 13, 2002
Title: SHRUB ROSE PLANT NAMED 'ANGELSIE' (Amended)
TC/A.U.: 1661
Examiner: Howard J. Locker
Confirmation No.: 9425
Docket No.: ANI-100US

SUPPLEMENTAL AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated May 15, 2003, please amend the above-identified application as follows:

- ☒ **Amendments to the Specification** begin on page 2 of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of claims which begins on page of this paper.
- ☐ **Amendments to the Drawings** begin on page 4 of this paper and include an attached replacement sheet(s).
- ☒ **Amendments to the Abstract** are on page 3 of this paper. A clean version of the Abstract is on page 5 of this paper.
- ☒ **Remarks/Arguments** begin on page 4 of this paper.